

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of OneOK Energy                    ) Application No. NG-0017  
Marketing Company, Topeka,                        )  
Kansas, seeking temporary                        ) TEMPORARY AUTHORITY GRANTED  
authority as a competitive                        )  
natural gas provider in the                        )  
state of Nebraska.                                 ) Entered: January 13, 2004

BY THE COMMISSION:

By application filed December 30, 2003, OneOK Energy Marketing Company (OEMC or Applicant), Topeka, Kansas, seeks temporary authority as a competitive natural gas provider (CNGP) in the state of Nebraska. Notice of the application was published in the Daily Record, Omaha, Nebraska, on January 2, 2004.

In support of its request for temporary authority, Applicant states that in order to participate in the Agricultural Choice Gas Program administered by Kinder Morgan, Inc., Applicant must be certificated by the Commission as a competitive natural gas provider by January 9, 2004. Applicant further states that it has served as a supplier of natural gas in the Agricultural Choice Gas Program in the past, and that further participation in the program is important to Applicant's continued business operations in the state.

OEMC is authorized to do business in Nebraska, and provided a copy of its Certificate of Authority to Transact Business in Nebraska. In its application, OEMC states that it is an affiliate of Seminole Energy Services, and is an Oklahoma limited liability company. OEMC has not had any legal action or formal complaints pertaining to the provision of competitive natural gas services filed against the company within the 12 months prior to filing this application, nor has it had a license or certificate to supply competitive natural gas services revoked, denied or withdrawn.

In support of its application, OEMC submitted a copy of its Form 10-Q Quarterly Report filed with the United States Security and Exchange Commission for the quarterly period ended September 30, 2003.

In addition, OEMC submitted the biographies of the members of its management team: Greg Ingenthron - Vice President, Retail Marketing; and Stacy Hower - Manager of Transportation and

Support Services. The biographies detailed the educational and professional background of each individual.

Commission Staff Accountant Steve Stovall submitted an affidavit attesting that the financial statements submitted provide evidence of adequate financial resources necessary to obtain and deliver the services Applicant proposes to offer.

#### O P I N I O N     A N D     F I N D I N G S

The Commission finds that it has jurisdiction pursuant to Neb. Rev. Stat. §§ 66-1848 to 66-1849 (2003 Supp.). Section 66-1849 provides in part:

The commission shall certify all competitive natural gas providers and aggregators providing natural gas services. In an application for certification, a competitive natural gas provider or aggregator shall reasonably demonstrate managerial, technical, and financial capability sufficient to obtain and deliver the services such provider or aggregator proposes to offer. The commission may establish reasonable conditions or restrictions on the certificate at the time of issuance.

The Commission finds that it may properly consider a request for temporary authority in this instance, due to the conflict between the January 9, 2004, deadline imposed by Kinder Morgan, and the normal 30-day protest period that would apply under the Commission's normal procedures for processing a CNGP application. Temporary authority should be limited in scope, preserving OEMC's operations as they existed prior to the passage of the State Natural Gas Regulation Act (LB 790 2003), but not expanding such operations under a temporary certificate. The Commission finds it appropriate to allow OEMC to continue to operate only in the Kinder Morgan Choice Gas Program, and not in any other choice program offered in the state, under the temporary authority sought in this application. In order that OEMC be allowed to operate throughout the Choice Program year, temporary authority should be in effect throughout the year ending December 31, 2004. The Commission may consider OEMC's application for statewide authority under the normal timelines and procedures for CNGP applications.

Based upon the information provided in the application and by affidavit, the Commission finds that OEMC's application for temporary authority should be granted, and that OEMC should be issued a temporary certificate of authority as a competitive natural gas provider consistent with the conditions set forth in this order.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application for temporary authority is hereby granted.

IT IS FURTHER ORDERED that this order be, and it is hereby made, the Commission's official certificate of authority to furnish the service authorized herein as a competitive natural gas provider.

MADE AND ENTERED at Lincoln, Nebraska, this 13th day of January, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director